



ANNO QUINTO

# GEORGII V REGIS.

A.D. 1914.

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## No. 1173.

An Act to provide for the Establishment and Control of National Pleasure Resorts, Public Parks, and Recreation Grounds, and for other purposes.

[*Assented to, November 19th, 1914.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The National Pleasure Resorts Act, 1914." Short title.
2. In this Act, unless some other meaning is clearly intended— Interpretation.
  - "By-law" means by-law made by the Minister under this Act:
  - "Justice" means Justice of the Peace for the State:
  - "Lands vested in the Minister" means lands held by the Minister, for whatever estate or interest, under this Act:
  - "Minister" means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor:
  - "Prescribed" means prescribed by this Act or by by-law:
  - "State" means the State of South Australia:
  - "The Director" means the person for the time being holding the office, by appointment of the Governor, of Director of the Intelligence and Tourist Bureau: "The

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“The employés” means the persons, other than the officers as defined by this Act, employed by the Minister under this Act:

“The officers” means the superintendents, inspectors, and other officers appointed by the Minister under this Act:

“This Act” includes by-laws.

The Minister to be a body corporate for the purposes of the Act.

**3.** (1) For the purposes of this Act, the Minister shall be a body corporate, and shall have perpetual succession and a common seal.

(2) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall, in the absence of proof to the contrary, presume that the same was properly affixed thereto.

General powers of the Minister.

**4.** Subject to the provisions of this Act, the Minister in his corporate name may—

- i. purchase, take, receive, accept, hold, acquire by means of exchange or otherwise, and possess lands, tenements, and hereditaments in fee simple or for any less estate or interest, or for any term of years or otherwise, and goods and chattels; and, with the consent of the Governor, may sell, exchange, grant, convey, transfer, demise, assign, or otherwise dispose of and assure the same for any estate or interest therein;
- ii. sue and be sued, and submit to arbitration, in all Courts and before all Judges, Magistrates, Justices, and arbitrators whomsoever, in all actions, suits, causes, disputes, and matters whatsoever; and
- iii. do and exercise all such further acts and powers as he is by this Act authorised to do and exercise, or as may be necessary or convenient for carrying into effect any of the purposes or objects of this Act.

Crown lands may be granted for the purposes of the Act.

**5.** In addition to the powers conferred by section 7 of “The Crown Lands Act, 1903,” or by the corresponding provisions of any other Act, the Governor is hereby empowered to grant, demise, or otherwise assure unto the Minister any lands belonging to the Crown for any estate or interest therein, for the purpose of being used by the public as a pleasure resort, park, or recreation ground, subject, however, in every case, to such (if any) powers of resumption and other conditions and reservations as are expressed in the grant, demise, or other assurance thereof to the Minister.

Minister may acquire lands for purposes of Act.

**6.** With the consent of the Governor, the Minister may, pursuant to agreement, acquire any lands in any part of the State, either for an estate in fee simple or for any less estate, or for a term of years, or for any other interest, for the purpose of being used by the public as a pleasure resort, park, or recreation ground, or for any purpose incidental thereto.

**7.** The

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7. The Minister may receive gifts of articles, and donations and subscriptions, to be applied in and towards the embellishment and improvement of any lands vested in him or otherwise for the purposes of this Act.

Minister may accept gifts.

National Park Act, 1891, s. 13.

8. All the lands vested in the Minister and all other property held by the Minister under this Act shall be under the care, control, and management of the Director: Provided that in all things pertaining to such care, control, and management, and in the exercise of all other powers by this Act conferred upon him, the Director shall be subject to, and shall act in accordance with, any directions of the Minister.

Lands to be under the care and management of the Director.

9. (1) The Director shall, in the month of July in each year, furnish the Minister with a report of his proceedings under this Act, including an accurate statement of receipts and expenditure, during the period of twelve months ended on the next preceding thirtieth day of June.

Annual report and statement of accounts.

(2) A copy of the Director's annual report shall be laid before Parliament within one month after it is received by the Minister if Parliament is sitting, and if not, then within one month after the opening of the next Session of Parliament.

10. The Director may—

- i. set apart all or any portions of the lands vested in the Minister for the purposes of sports and games, for landscape gardening, for platforms along railway or tramway lines, for enclosures for birds or animals, and for any other purposes of public enjoyment or convenience which the Minister thinks fit ;
- ii. make on any portions of any such lands all such roads, ways, and paths as he thinks necessary or convenient ;
- iii. erect on any such lands rest houses, pavilions, look-outs, platforms, stagings, kiosks, rotundas, lodges, summer-houses, fences, and all such other buildings and things as he considers necessary or convenient for the purposes of public pleasure, recreation, and enjoyment ;
- iv. plant trees, shrubs, and flowers on any such lands ;
- v. sell and remove from any such lands stone, gravel, earth, sand, trees, bark, and the produce of trees, and dead and live timber ; and
- vi. sell and exchange specimens of trees, shrubs, flowers, animals, and birds growing or being on any such lands.

Powers for development of lands.

Ibid., s. 5.

11. (1) The Minister may appoint such superintendents, inspectors, and other officers, and employ such other persons, as he deems necessary for carrying out the objects of this Act.

Officers may be appointed and other persons employed.

(2) Subject

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(2) Subject as provided by section 8, all persons so appointed and employed shall act under the direction of the Director.

Payment of salaries and fees.

(3) The Minister may pay to the officers and employés such salaries, allowances, wages, and professional fees as he deems reasonable or proper.

Remuneration for information.

**12.** The Minister may remunerate any person giving information of the commission of any offence against this Act to the Director, or to any of the officers or employés.

Licences for the sale of liquors not to be granted.

National Park Act, 1891, s. 9.

**13.** No licence for the sale of intoxicating liquors shall be granted under any Act to the Minister or the Director, or any other person or persons, in respect of premises situated in any of the lands vested in the Minister.

Offences.

**14.** Any person who, on any land vested in the Minister—

- (a) without the permission of the Director, or of one of the officers, discharges any firearm ;
- (b) throws or discharges any stone or other missile, or rolls any rock or stone down any hill or other declivity ;
- (c) removes the soil under or about any tree, shrub, fern, or other plant, or cuts, destroys, or removes any tree, shrub, plant, flower, fern, or other thing, without the consent of the Director, or of one of the officers ;
- (d) lights any fire, or leaves any glass bottles, broken glass, china, paper, or other litter, except in places set apart therefor by the Director ;
- (e) commits any nuisance ;
- (f) fouls or pollutes the water in any river, creek, or other watercourse, or in any dam, well, spring, lake, or reservoir ;
- (g) takes or destroys any fish in any such water ;
- (h) has in his possession, or uses, spreads, or sets, any trap, snare, net, engine, instrument or other means of taking, injuring, or destroying any bird or animal ;
- (i) pursues, worries, ill-treats, takes, or kills any bird or animal, or wilfully disturbs, displaces, injures, destroys, removes, or takes any bird's nest or egg ;
- (j) wilfully obstructs, disturbs, interrupts, insults, or otherwise annoys any of the officers or employés in the exercise of any of his powers or the discharge of any of his duties ;
- (k) uses obscene language or behaves in a disorderly, offensive, or indecent manner ;

(l) wilfully

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(l) wilfully breaks any fence or barrier or any part thereof, or enters any such lands, or any part thereof, by any other than an authorised entrance ; or

(m) refuses or neglects to quit any such land, or any part thereof, when required to do so by a member of the Police Force, or any of the officers or employés,

shall be guilty of an offence against this Act.

**15.** If the commission of, or the attempt to commit, any offence against this Act, or the breach or non-observance of, or the attempt to break or not to observe, any provision of this Act, is attended with danger, hindrance, or annoyance to the public, or to any person being lawfully on any of the lands vested in the Minister, any member of the Police Force, or any of the officers or employés, may summarily interfere to obviate or remove such danger, hindrance, or annoyance, and may eject the person responsible therefor, without prejudice however to any liability incurred by such commission, breach, or non-observance, or attempt.

Offender may be required to quit or be ejected.

**16.** (1) Any person who attempts to commit any offence against this Act shall be deemed to have committed an offence against this Act, and shall be punishable accordingly.

Attempt to commit offence punishable.

(2) Any person who aids, abets, counsels, or procures, or by any act or omission is directly or indirectly a party to the commission of any offence against this Act shall be deemed to have committed such offence, and shall be punishable accordingly.

Aiding or abetting offender punishable.

**17.** Every person who is guilty of an offence against this Act shall, except where otherwise prescribed, be liable—

Penalties.

(a) for a first offence, to a penalty of not less than One Pound nor more than Five Pounds ;

(b) for any subsequent offence, to a penalty of not less than Two Pounds nor more than Twenty Pounds.

**18.** When any person is convicted of any offence against this Act the Special Magistrate or Justices before whom such person is convicted may, in addition to imposing any penalty, order such person to pay the amount of any damage done by him, and such amount shall be recoverable as if it were part of the penalty so imposed, notwithstanding that the total amount of the penalty and damages exceeds the maximum penalty which may be imposed.

Damages may be recovered in addition to penalties.

**19.** In any proceedings in respect of any alleged offence against this Act—

Evidence in proceedings.

(a) if it is necessary to show knowledge on the part of the defendant, such knowledge shall be presumed until the contrary is proved:

(b) the

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(b) the allegation that any lands are lands vested in the Minister shall be deemed to be proved until the contrary is proved.

Evidence of by-laws.

20. A copy of the *Government Gazette* purporting to contain a copy of any by-law, shall be conclusive evidence of the making of such by-law and of the contents thereof; and shall be *prima facie* evidence of the validity thereof.

By-laws may be made.

Cf. National Park Act, 1901, s. 7.

21. (1) The Minister may make all such by-laws as may be necessary or convenient for carrying into effect all or any of the objects expressed in or implied by this Act, or as may be incidental to or in anywise connected with such objects; and, without limiting or derogating from the foregoing general power, it is hereby declared that the Minister may make by-laws—

- (a) prescribing the duties and powers of the officers and employés;
- (b) for the care, control, management, and preservation of the lands vested in him, or any of them, and all things therein;
- (c) for regulating traffic, and the carriage of passengers in such lands, or any of them, for ensuring the good conduct of visitors thereto, and for fixing the hours during which such lands, or any of them, shall be open to the public;
- (d) for depasturing cattle thereon and impounding stray cattle found thereon;
- (e) for the exclusion of goats, pigs, dogs, and poultry therefrom, and for their destruction if trespassing thereon;
- (f) for the protection, preservation, and propagation of native and imported birds and animals and plants therein;
- (g) for regulating, restricting, or preventing the exhibiting of advertisements in such places, or in such manner, or by such means, as to affect injuriously the amenities of such lands, or any of them, or to disfigure the natural beauty of a landscape;
- (h) for regulating, restricting, or preventing the writing, soiling, defacing, stencilling, chalking, or painting upon any fence, post, rail, pole, seat, bridge, tree, tree-stump, shrub, bush, rock, rock-face, or other object, on such lands or any of them;
- (i) for preventing the fixing of any advertisement of any kind whatsoever, or any writing, chalking, soiling, defacing, stencilling, or painting upon such lands, or any of them, or on any road, footpath, footway, carriage-way, fence, post, rail, pole, seat, bridge, tree, tree-stump, shrub, bush, rock, or rock-face, or any building or other structure therein or thereon;
- (j) for regulating the sale, or the offering or exposing for sale, of goods on such lands, or any of them; and the erection of booths, tents, and other structures for such purpose;
- (k) for

Cf. English Advertisements Act, 1907.  
s. 2.

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- (k) for regulating the lighting of fires on such lands, or any of them, or adjacent thereto ;
- (l) generally for the more regular and efficient government of such lands, or any of them ; and
- (m) fixing penalties for offences against by-laws, not exceeding for any offence the sum of Twenty Pounds.
- (2) No by-law shall have any effect until confirmed by the Governor. Confirmation by the Governor.
- (3) All by-laws, when so confirmed— Publication and effect of by-laws.
- (a) shall be published in the *Government Gazette* :
- (b) from the date of such publication, or from a later date fixed by the Governor, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this Act ; and
- (c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.
- (4) If either House of Parliament passes a resolution disallowing any by-law, of which resolution notice has been given at any time within fourteen sitting days of such House after such by-law has been laid before it, such by-law shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.
- (5) When a resolution has been passed as mentioned in subsection (4) hereof, notice of such resolution shall be published in the *Government Gazette*. Resolution to be notified in *Gazette*.
- 22.** (1) Any action or other legal proceeding in respect of any of the lands vested in the Minister, or any other property vested in him under this Act, shall be brought, or may be defended, by the Minister, or by any person appointed by him for the purpose by writing signed by him: Provided that an information for an offence against this Act may be laid and prosecuted by any person. Who to bring and defend actions as to lands vested in the Minister.
- (2) The production of a document purporting to be signed by the Minister and to appoint any person as aforesaid shall be sufficient evidence that the person therein mentioned has been duly appointed by the Minister for the purpose therein mentioned, and shall be *prima facie* evidence that the person producing such document is the person thereby appointed.
- 23.** (1) All proceedings in respect of offences against this Act shall be by information, which shall be heard and determined in a summary way by a Special Magistrate or two Justices, and shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any Act or Acts in force regulating summary proceedings before Justices. Summary proceedings.
- (2) All

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(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance or any other such Act as aforesaid.

Appeal.

**24.** (1) There shall be an appeal from—

(a) any conviction by any Special Magistrate or Justices ;

(b) any order of a Special Magistrate or Justices dismissing any information ; or

(c) any other order made by a Special Magistrate or Justices, under this Act.

(2) Such appeal shall be to the Local Court of Adelaide of Full Jurisdiction.

(3) The proceedings on such appeal shall be regulated by the said Ordinance No. 6 of 1850, and any amendments thereof, or any other Act or Acts in force regulating appeals to Local Courts: Provided that the Local Court may make such order as to costs as it thinks fit, and the amount of costs ordered may exceed Ten Pounds.

Special case.

**25.** (1) The Local Court upon the hearing of any such appeal may state a special case or cases for the opinion of the Supreme Court.

(2) The Supreme Court shall hear and decide any such special case according to the practice of the Supreme Court on special cases, and may make such order as to the costs of such special case as to the said Court appears just.

(3) The Supreme Court may send such special case back for amendment, or may itself amend the same.

(4) The Magistrate or Justices or the Local Court shall make an order in respect to the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of any Judge thereof.

(5) Such order of the Magistrate or Justices or Local Court shall be enforced in manner provided by section 23 or otherwise by law.

How funds to be provided.

**26.** Any moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.